

SEALED**BY THE ORDER OF THE COURT**

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
Apr 07, 2022
Pam Hartman Beyer, Clerk of Court

United States of America

v.

LINDSEY KINNEY

Case No.

Mag. No. 22-490 RT

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 17, 2022 in the county of Honolulu and elsewhere in the
District of Hawaii and elsewhere, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 875(c)

Interstate Transmission of Threat to Injure the Person of Another

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Wyatt Tackett, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/7/2022City and state: Honolulu, Hawaii


Wes Reber Porter
United States Magistrate Judge

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AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

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| FILED IN THE UNITED STATES DISTRICT COURT DISTRICT OF HAWAII Apr 07, 2022 Pam Hartman Beyer, Clerk of Court |
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I, Wyatt Tackett, after being duly sworn, depose and state:

1. This affidavit is submitted for the purpose of establishing probable cause that from on or about January 17, 2022, within the District of Hawaii and elsewhere, LINDSEY KINNEY violated 18 U.S.C. § 875(c), which prohibits, “transmit[ting] in interstate or foreign commerce any communication containing . . . any threat to injure the person of another,” by making public written and oral threats on a social media platform to kill three identifiable persons.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since March of 2019. During my training at the FBI Academy in Quantico, Virginia, I received instruction in a variety of investigative and legal matters, including the topics of Fourth Amendment searches and seizure, the drafting of search warrant affidavits, and requisite probable cause. I am presently assigned to the Joint Terrorism Task Force – Pacific (JTTF-P), where I work a variety of criminal and national security matters including international and domestic terrorism. I have utilized court-authorized search warrants, conducted physical surveillance, and interviewed subjects and witnesses. I have also been trained in the collection and analysis of digital evidence, to include evidence obtained from computers, cell phones, cell phone providers, and internet service providers. As a federal agent, I am authorized to investigate violations of the laws

of the United States, and I am a law enforcement officer with the authority to execute search and arrest warrants under the authority of the United States. Due to my training and experience as an FBI Special Agent, I am familiar with the United States Criminal Code.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement personnel, and witnesses. This affidavit is intended to show only that there is probable cause for the specified violations of federal law and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

January 5, 2022 Encounter Between an Associate of KINNEY and Victim 1/DLNR Employees

4. Based on an FBI investigation and information obtained from social media postings by KINNEY and others, law enforcement personnel, victims, and witnesses, I know that KINNEY characterizes himself as a member of a group of persons who identify themselves by military titles/ranks, describe their efforts as “operations,” don military uniforms, carry illegitimate military documents, and state they are part of a military organization (“Group 1”). Investigation has revealed that Group 1 is led by a person using an alias and purporting to hold the rank of colonel in Group 1 (“Associate 1”).

5. Based on reporting from the State of Hawaii Department of Land and Natural Resources (DLNR), Associate 1 has been using a boat (“Vessel”) as a residence and means of transportation among the Hawaiian Islands. The DLNR’s Division of Conservation and Resources Enforcement (DOCARE) reports that Associate 1 owes the State of Hawaii approximately \$30,000 resulting from non-payment of mooring fees due to his unauthorized mooring of the Vessel in State Small Boat Harbors, and disposal and demolition fees for a sailboat Associate 1 formerly owned, which was impounded by DLNR’s Division of Boating and Ocean Recreation (DOBOR).

6. Victim 1 is an employee of DLNR and was acting in his official capacity as the Waianae Small Boat Harbor Master when he first approached Associate 1 on or about January 2, 2022 to verbally warn Associate 1 that he could not keep the Vessel at the Harbor because Associate 1 was not following the mandated guidelines. Acting on behalf of DLNR, on January 5, 2022, Victim 1 served Associate 1 while Associate 1 was operating the Vessel a written warning to vacate the area or be subject to citation.

7. Victim 2 is the spouse of Victim 1, and saved a Facebook live stream posted by Associate 1 that documented the January 5, 2022 encounter between Associate 1 and DLNR, including Victim 1. I have viewed the entirety of that post, which was a live stream by Associate 1 that captured approximately five

minutes and 27 seconds of the encounter and depicts, among other things, the following:

a. When the DLNR officials, including Victim 1, approached the Vessel and advised Associate 1 they were going to provide him a written notice, Associate 1 stated he did not care because he was already underway. As the officials approached the Vessel and attempted to provide the written notice, Associate 1 became increasingly aggravated. Associate 1 began yelling that the officials cannot provide him the written notice while his vessel is underway. During the interaction, Associate 1 acted hostile towards the officials and called them derogatory names to include “fucking traitor.”

b. At approximately one minute and 48 seconds into the stream, Associate 1 called the United States Coast Guard (USCG), stating, “we have an armed engagement.” After the transmission to the USCG, Associate 1 stated, “come on, come on. Yeah, yeah, yeah, no, no, no, I get all you guys huh. especially you.” At this point, indistinct voices in the background can be heard until approximately two minutes and 41 seconds into the stream when Associate 1 stated, “Fucking guys.”

c. As the recorded stream proceeds, Associate 1 continued to go back and forth between yelling at Victim 1 and the other officials, and transmitting his location and instructions to USCG. During the interaction, Associate 1

articulated that he believed the officials were armed and stated, “Oh cuz, you come in here armed, roger dodger, yeah roger, you do you’re fucked.”

8. Following the January 5, 2022 encounter, in a video posted to his Facebook page, Associate 1 asked his followers to identify the names and residences of the state employees captured on his January 5, 2022 video, which included Victim 1.

KINNEY’s Threats to Victims 1-3

9. On January 17, 2022, Victim 1 contacted the Honolulu Police Department (HPD) and the FBI National Threat Operations Center (NTOC) to report that on January 17, 2022 at approximately 12:00 p.m., KINNEY made threats, which were posted to KINNEY’s Instagram page, to cut off the heads of Victims 1-3 and take the Victims to the “gates,” and posted the social media profiles of Victims 1 and 2, and of Victim 3, who is a close friend of Victims 1 and 2. Victim 1 explained that KINNEY is a member of Group 1 and posted his family’s profiles because Victim 1, acting in his official capacity as the Waianae Small Boat Harbor Master employee of DLNR, was involved in the encounter with Associate 1 on January 5, 2022. Victim 1 stated that he believed KINNEY is a contract killer based on media reports about KINNEY’s prior involvement with Michael Miske, who I know is charged in the District of Hawaii with racketeering and related crimes, including murder, as has been widely reported in the media.

10. On January 20, 2022, Victim 2 (the spouse of Victim 1) told the FBI that she was informed from a friend that Associate 1 posted videos on his Facebook page stating he was coming to Victim 1's house to retrieve his purportedly stolen property. Victim 2 stated that Associate 1 previously asked the public via social media for Victim 1's personal information, including his home address.

11. Victim 2 stated that subsequent to Associate 1's solicitation of personal information about Victim 1, KINNEY posted on his Instagram account @cant.stop.cowboy, on January 17, 2022, the social media profile pictures of Victims 1-3 and made threats about cutting off the heads of Victims 1-3. According to Victim 2, after Victim 2 responded to KINNEY's posts, KINNEY created an Instagram account named @ioandjustice and reposted his threats about beheadings without including the profiles of Victims 1-3.

12. On January 20, 2022, Victim 1 provided more information to the FBI that KINNEY subsequently posted a video stating that DLNR is part of a human trafficking ring, and that KINNEY will overthrow the Hawaiian government and then be king.

13. Victims 1 and 2 provided the FBI with relevant screenshots and recordings of KINNEY's post to the public pages of his Instagram account containing threats to physically harm Victims 1-3. I have reviewed those

materials. The threatening post includes multiple pages containing, among other things, a writing containing the threats to behead Victims 1-3; a video in which KINNEY addresses and/or references Victim 1 by his title “Harbor Master” and DLNR; the Facebook profiles of Victims 1-3; and a screenshot of threatening messages that appear to be Apple iMessages. These items are more particularly described as follows:

a. Included throughout the multiple pages of the post is a writing by KINNEY on his Instagram “cant.stop.cowboy” account, stating:

cant.stop.cowboy I will unite the 12 tribes once again..if it's the last thing I do..truth will come to light..why don't u sellouts come out of your..DUMB..tunnels..u know why u no like come out..shame..u..the one shaking in your boots and I have all the proof to open anyone's eyes what u see when u look in to my eyes fearless..nothing but truth love and justice u will see in these eyes shame on u for taking the envelope..**All of you will reap what you sow..I'm sending each and everyone of u to the gates for..TREASON..your heads are mines..u going to the gates headless..as our father is waiting for u all patiently..one way trip..Aloha**

(emphasis added; emojis omitted; ellipses in original). Based on my review of the full post, including the portions described immediately below, numerous other social media posts by KINNEY and by other members of Group 1, and my training and experience, I believe KINNEY is threatening Victims 1-3 that he will kill them by beheading and thereby send them to the afterlife.

b. On the first page of KINNEY's post, the written threat described above appears below a video in which KINNEY addresses “the Harbor

Masters” and “DLNR” and about various topics. I know the individual speaking in the video is KINNEY because, among other things, I recognize him from known photos of KINNEY contained in government records. In the video, KINNEY states:

You harbor fucking masters DLNR mother fuckers yeah? I see your fucking plans. I see your fucking move. Yeah? You trying to fucking make all the sovereignties fight one another yeah? Yeah? Am I right? Bitch boys? Huh? Why? Cause you fucking scared yeah? Yeah? All you fuckers scared yeah? All you DLNR fuckers. Yeah? Why you scared? Why you scared? Huh? Truth will come to light. Andwh-and all the-all the envelopes that Mike Miske [name of another individual] all these fucking human traffickers here. Yeah? All you fuckers. Yeah? You guys scared. What you guys scared of? You scared of us uniting as one and coming together and seeing past all you illu-your illusions and smoke and mirrors. [video replays in part] You harbor fucking masters DL—[video resumes] Smoke and mirrors. Right? [pause, nods head] When I-when I come back from Moloka’i I wanna meeting [pause] and I will come with truth, love, and justice. I want to know what like your guys like- what you guys choice is. That’s what I like know. What you guys choice is. Huh? Huh? I like know. I know already. You guys gonna choose love, ‘cause you guys don’t want fucking justice. And you guys know, I’ve all the proof of all you fucking communist pricks taking ee-ohs [PH] children. My braddahs and sistahs. Selling them as slaves. Shame on you! Shame on you! [video replays in part] Smoke and mirrors.

c. KINNEY’s written threat quoted above in subparagraph (a) also appears in separate pages within Kinney’s post, including, among others, the following:

i. KINNEY's written threat is below a photograph of a former Waianae Small Boat Harbor Master along with a comment by someone identifying the person as the Harbor Master;

ii. KINNEY's written threat is below the Facebook profile of Victim 2, which is comprised of a photograph of Victim 2, a photograph of Victim 2 and the minor children of Victims 1 and 2, the name of Victim 2, and her mantra. According to Victim 2, KINNEY appears to have screenshotted her Facebook profile and that of Victims 1 and 3, and pasted those screenshots into individual pages of KINNEY's post;

iii. KINNEY's written threat is below the Facebook profile of Victim 3, which is comprised of a photograph of Victim 3 and another person, a second photograph, the name of Victim 3, the name of his college and his course of study, and the name of his high school. Pasted between the Facebook profile and the written post are two direct messages in right-sided blue bubbles that appear to be Apple iMessages by KINNEY (and screenshotted by KINNEY), stating:

1. "I'll happily meet them alone we see who come out with there head"; and
2. "After I take there heads I will be king"; and

iv. KINNEY's written threat is below the Facebook profile of Victim 1, which is comprised of a photograph of Victim 1, a second image, the name of Victim 1, and his mantra.

14. Victims 1 and 2 also provided a screenshot of a written post by KINNEY at his "cant.stop.cowboy" Instagram account in the "comments" section to the threatening post described in the preceding paragraph. KINNEY's post to the "comments" states:

cant.stop.cowboy They like take down my shit..truth must hurt..when I come back..we can talk in person..I have a lot to say to u bitches on pay roll..I have all the time in the world..u the ones running out of time [hourglass imogi] do the pono thing or u bitches going feel my grandma wrath..tables has turned..to the death u bitches said..I'm king..one of many..all the kings will be put back where they belong..the ones with the true bloodline..real talk..your move bitches..I'm not fucking around..when I want a meeting I want a meeting..

15. Victims 1 and 2 also provided a screenshot of a written post by KINNEY at his "cant.stop.cowboy" Instagram account appearing under a screenshot of an apparent iMessage, text message, or other direct message argument between KINNEY and another person. The post states:

cant.stop.cowboy Been going through this shit for 5 years..Imfao..Freemason bitches on pay roll..Imfao..they think they can kill me by playing with there key board..bitch boy..don't tempt me with a good time..not my first rodeo..let's dance..u know what go gather all your bitches on pay roll..come..I like see..we see who god is with..I challenged all u devil sons and daughters..let the games begin [three imogis] come meet your maker..I'll show u who he is..Little boy lovers..STFU..all u goin do is watch me walk on by..all u bitches have no game [chess pawn imogi] check mate

[chess pawn imogi] I'm here to win this war not lose..no no no no no u go first..bunch of bitches

16. Based on my training and experience, as well as the investigation into KINNEY and Associate 1, I believe that KINNEY's references in his posts and comments to "on pay roll" means government employees, including those at DLNR.

17. When interviewed by the FBI, Victims 1 and 2 told agents that they felt threatened by the posts that KINNEY directed toward them, and took the threats seriously. They were at their highest threat level, locked their outdoor gates, kept loaded firearms ready and staged at the front door, and rehearsed security procedures with their children due to the threats and KINNEY's association with Michael Miske.

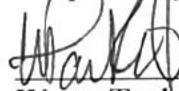
18. The FBI also interviewed Victim 3, who stated that he viewed the threat shortly after it was posted, and felt KINNEY was serious and would try to cut off his head and kill him. As a result, Victim 3 enabled his video security system at his house after the threats from KINNEY.

19. Based on my training and experience, and my investigation into this matter, I know that Victims 1-3 are residents of the State of Hawaii, and viewed the threats by KINNEY while in the State of Hawaii, and KINNEY is a resident of the State of Hawaii. I know also that above-described posts by KINNEY traveled through computer servers outside the State of Hawaii used by Instagram (a social

media platform owned by Meta Platforms, Inc.) prior to being viewed by Victims 1-3 in the State of Hawaii.

20. Based on the foregoing, I believe that on or about January 17, 2022, within the District of Hawaii and elsewhere, LINDSEY KINNEY violated 18 U.S.C. § 875(c) by threatening, in posts to a social media platform, to kill Victims 1-3.

Respectfully Submitted,



Wyatt Tackett
Special Agent, FBI

This Criminal Complaint and Affidavit in support thereof were presented to, approved by, and probable cause to believe that the defendant above-named committed the charged crime found to exist by the undersigned Judicial Officer at 8:37 a .m. on April 7, 2022.

Sworn to under oath before me telephonically and attestation acknowledged pursuant to FRCP 4(d) and 4.1(b) on April 7, 2022.



Wes Reber Porter
United States Magistrate Judge